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CHAPTER 1020 Excavations

1020.01	Permit Required.	1020.07	Warning Lights and Barricades.
1020.02	Applications.	1020.08	Notice to Install Water or Sewer Connections Prior to Paving.
1020.03	Deposits.	1020.09	Construction of Public and Private Alley Crossings.
1020.04	Public Utilities.	1020.99	Penalty.
1020.05	Rules for Excavations; Fee Schedule.		
1020.06	Backfill Methods.		

CROSS REFERENCES

- Grants and franchises - see CHTR. Sec. 106 et seq.
 - Openings by the Municipality - see Ohio R.C. 723.02
 - Liability for damage - see Ohio R.C. 723.49 et seq.
 - Compulsory service connections - see Ohio R.C. 793.06, 743.23, 743.37
 - Digging, excavating and piling earth on streets - see Ohio R.C. 5589.10
 - Barricades and warning lights; abandoned excavations - see
GEN. OFF. 660.09; S.U. & P.S. 1022.10; B. & H. 1412.09, 1412.11
 - Use of public streets and other public spaces in building operations -
see B. & H. Ch. 1412
 - Public utilities excepted from provisions of the Electrical Code -
see B. & H. 1458.05
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1020.01 PERMIT REQUIRED.

No person shall open, undermine or remove any pavement or surface in any public street or other public ground of the City without first obtaining a permit therefor from the City Engineer, except as otherwise provided in this chapter.
(1956 Code Sec. 301.01)

1020.02 APPLICATIONS.

The application for a permit required by Section 1020.01 shall state the exact time the opening is to be made, the probable length of time required for making the repair, the location, the size of the opening to be made, the purpose of the excavation and such other information as the City Engineer may deem necessary.
(1956 Code Sec. 301.04)

1020.03 DEPOSITS.

All applicants for a permit required by Section 1020.01 shall deposit with the City Treasurer the following applicable fee:

- (A) Not less than fifty dollars (\$50.00) to cover the cost of repairing and replacing the surface of an unimproved street or public ground; or
- (B) Not less than one hundred dollars (\$100.00) to cover the cost of repairing and relaying the pavement of an improved street or public ground.

An additional deposit may be required by the City Engineer if, in his opinion, the amount required herein is insufficient. Any amount so deposited shall be applied to the actual cost of restoring the pavement or surface of such street. In the event that the actual cost of restoring the pavement or surface exceeds the amount of the deposit, when the applicant shall pay to the Treasurer the excess cost within ten days after being notified thereof. (Ord. 157-56. Passed 10-22-56.)

1020.04 PUBLIC UTILITIES.

- (A) Permit Exceptions; Fees. Public utilities which occupy streets or public grounds under franchise with the City shall not be required to obtain the permit required by Section 1020.01 or to make the deposits required by Section 1020.03, but shall pay all costs of restoring the pavement or surface within a reasonable time after the work has been completed and not later than thirty days thereafter.
(Ord. 157-56. Passed 10-22-56.)
- (B) Notice of Excavations Required. Public utilities which occupy streets or other public grounds under franchise with the City shall notify the office of the Director of Public Works, by telephone or in writing, of the exact location and the estimated duration of any excavation prior to making such excavation in a public street or other public ground. However, in the event of an emergency, such notice shall be given the next regular business day. When notice is given by telephone, it shall be followed by notification in writing within twenty-four hours, Sundays and holidays excepted.

1020.05 RULES FOR EXCAVATIONS; FEE SCHEDULE.

The City Engineer shall, from time to time, make rules and regulations governing the opening of public streets and public grounds and the materials to be used in relaying or repairing the various kinds of pavements or surfaces so opened. The City Engineer shall also prepare a schedule of fees to be charged for the repaving and repairing of all openings made by applicants under the provisions of this chapter. Such repairing and repaving shall be done under the supervision of the Director of Public Works exclusively, upon due notice given to him by the City Engineer.

1020.06 BACKFILL METHODS.

The method of making the necessary backfill where an excavation has been made shall be as follows:

- (A) If a sewer is to be covered, stone sand shall be tamped solidly under and around the sewer, with proper tools for that purpose, to a depth of twelve inches. The remainder of the backfill shall be deposited in layers not exceeding four inches in thickness, each of which layers shall be well pounded and rammed with a rammer of suitable weight or with an approved pneumatic tamper.
- (B) In the case of an excavation other than a sewer, the earth backfill shall be compacted in four-inch layers the same as stone backfill and shall at all times be compacted to a density of not less than ninety percent of the maximum density, according to the provisions of the State of Ohio Department of Transportation Construction and Material Specifications, the latest edition. Care that the backfill material contains the proper amount of moisture so as to obtain the maximum compaction shall be exercised at all times.
- (C) In lieu of subsections (A) and (B) hereof, ready-mixed "flowable fill" may be used. If "flowable fill" is used, then overcutting the trench, as shown in the Standard Drawings is not necessary. The fill shall be placed to within two inches of the existing surface. The mix shall be: 100 pounds of Portland concrete cement, 300 pounds of (Class C) fly ash, 2,600 pounds of fine aggregate and approximately seventy gallons of water. The mix will yield approximately ICY of flowable mortar with a compressive strength of approximately 100 psi.

Additional details of backfill methods can be found in the City of Lima's Standard Drawings available in the office of the City Engineer.
(Ord. 5-86. Passed 1-6-86.)

1020.07 WARNING LIGHTS AND BARRICADES.

- (A) Whoever makes or causes to be made any excavation in or adjoining any street or public ground and whoever occupies or causes to be occupied any

portion of any street with any building material or obstruction shall provide sufficient warning lights and barricades, as required herein, to adequately protect pedestrian and vehicular traffic.

- (B) Not less than two warning lights shall be secured and conspicuously posted in or near such excavation, building material or obstruction, one or more at each end of the space so excavated or occupied. If the space occupied by such obstruction exceeds ten feet in length, then additional lights shall be posted as aforesaid for every additional ten feet in length so excavated or occupied. Such lights shall be lighted during the hours of darkness and at any time when ordinary visibility is obscured. The City Engineer or any Assistant City Engineer may, at his discretion, require additional lights in the case of any excavated area.
- (C) In the case of excavations, whether in or adjoining a street or public ground, and in the case of other open or exposed places within the City, suitable warning barriers shall be set up to protect against accidents.
(1956 Code Sec. 301.07)

1020.08 NOTICE TO INSTALL WATER OR SEWER CONNECTIONS PRIOR TO PAVING.

Prior to the paving, repairing or resurfacing of any street or public ground, the City Engineer shall cause notices to be sent to all abutting property owners requiring them to install any necessary water or sewer service branches. Notice shall also be sent to all public utility corporations and City departments to install all necessary mains, conduits, service branches and structures. Property owners, public utility corporations and City departments shall be allowed the necessary and legal time required for the aforesaid installations before the new pavement is laid. Thereafter, for three years from the final completion and acceptance of the new pavement, no permit for making an opening in such pavement shall be issued by the City except by express authority in each case from the City Engineer, which authority shall be exercised only for reasons of public necessity or of undue private hardship where the necessity for the opening arises from causes over which the applicant had no control. Lack of foresight in not installing service connections prior to the laying of a new pavement shall not be considered an adequate reason for abrogation of the three-year restriction.

(1956 Code Sec. 301.08)

1020.09 CONSTRUCTION OF PUBLIC AND PRIVATE ALLEY CROSSINGS.

- (A) All public or private alley crossings abutting any street being permanently improved by paving shall be constructed with the same material as that with which the abutting street is being paved. All such public or private alley crossings shall be constructed the full width of the alley and shall extend from the inside lot line to the outside gutter line.
- (B) All public or private alley crossings not included in subsection (a) hereof shall be constructed of paving block, asphalt or cement, shall be constructed the

full width of the alley and shall extend from the inside lot line to the outside gutter line.

- (C) The Engineering Division shall not set any grade stakes nor shall the Street Division accept any alley improvement that is not constructed in conformity with the provisions of this section. (1956 Code Sec. 301.09)

1020.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than the amount set forth in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 167-05. Passed 8-22-05.)

CHAPTER 1022
Sidewalks and Curbs

1022.01	Definitions.	1022.08	Board of Appeals.
1022.02	Construction Permits.	1022.09	Work Done by City;
1022.03	Specifications and Inspections.		Assessment Against Property.
1022.04	Blacktop.	1022.095	Reimbursement of
1022.05	Sidewalk Subspaces.		Expenses for Repairs by
1022.06	Owners of Abutting Property to Keep Sidewalks and Curbs in Repair.	1022.10 1022.99	Property Owners; Curb Rebate Program. Emergencies. Penalty.
1022.07	Notices to Repair.		

CROSS REFERENCES

Assessments - see Ohio R.C. 701.05, 727.01 et seq.
 Construction or repair may be required - see Ohio R.C. 729.01
 Notice to construct or repair sidewalks - see Ohio R.C. 729.03 et seq.
 Service of special assessment notices - see ADM. 286.01
 Requirements of public improvement contracts - see ADM. 288.01
 Barricades and warning lights - see GEN. OFF. 660.09; S.U. & P.S.
 1020.07; B. & H. 1412.09, 1412.11
 Sidewalk obstructions; damage or injury - see GEN. OFF. 660.10
 Sidewalks in subdivisions - see P. & Z. 1220.03
 Deposits of building materials generally - see B. & H. 1412.07
 Temporary sidewalks and bridges - see B. & H. 1412.11

1022.01 DEFINITIONS.

Certain words or expressions, as used in this chapter, shall be construed to mean as follows:

- (A) "City" means the City of Lima, Ohio.
- (B) "Council" means the Council of the City of Lima, Ohio.
- (C) "Mayor" means the Mayor of the City of Lima, Ohio.
- (D) "Engineer" means the City Engineer of the City of Lima, Ohio.
- (E) "Inspector" means any inspector of the Engineering Division of the City of Lima, Ohio.
- (F) "Owner" means the owner, owners, leaseholder, or agent thereof, holding title to any private property adjoining any street in the City.
- (G) "Right of way" means any public property dedicated for public use as a street, avenue, boulevard, lane, alley or public thoroughfare.
- (H) "Street" means the entire width between the boundary lines of every way

- open to the use of vehicular travel.
- (I) "Sidewalk" means that part of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.
 - (J) "Pedestrian" means any natural person afoot.
 - (K) "Repair" means the resurfacing or reconditioning of old work in part.
 - (L) "Construction" means the construction of new work where no work has previously been done.
 - (M) "Reconstruction" means the relaying or rebuilding of old work as a whole.
 - (N) "Sidewalk subspace" means any open space under the surface of a sidewalk adjacent to a building.
 - (O) "Sandstone slab" means any natural stone slab used as sidewalk pavement.
 - (P) "Prismatic light" means transparent material, such as glass or plastic, inserted in the surface of a sidewalk for the purpose of transmitting light to a sidewalk subspace.
(Ord. 253-64. Passed 12-22-64.)
 - (Q) "Curb" means the concrete barrier at the edge of pavement, usually separating the street from the tree lawn or sidewalk.

1022.02 CONSTRUCTION PERMITS.

- (A) Permit Required. No person, directly or indirectly, as principal, agent or employee, shall construct, reconstruct or repair, or attempt to construct, reconstruct or repair, any sidewalk or curb in the City without first obtaining a permit therefor from the Engineer.
- (B) Sidewalks.
 - (1) No sidewalk shall be constructed, reconstructed or repaired until a permit has been obtained from the Engineer either by the owner of the contiguous property or his agent. The application for a permit to construct, reconstruct or repair a sidewalk shall be on forms furnished by the Engineer. Such forms shall set forth the name and address of the owner of the property adjoining the right of way where the proposed work is to be done, the street address or lot number, the number of square feet of proposed sidewalk to be constructed, reconstructed or repaired, the width of the present sidewalk, the material in the present sidewalk, the material to be used in the proposed constructions reconstruction or repair and such other information as may be required. The permit shall be kept on the site of the construction, reconstruction or repair until completion of the work.

- (2) The fee to be collected for the issuance of the sidewalk construction, reconstruction or repair permit required by this subsection shall be five dollars (\$5.00). Such fee shall be payable at the office of the Engineer.
- (C) Curbs.
- (1) No curb shall be constructed, reconstructed or repaired until a permit has been obtained from the Engineer either by the owner of the contiguous property or his agent. The application for a permit to construct, reconstruct or repair a curb shall be on forms furnished by the Engineer. Such forms shall set forth the name and address of the owner of the property adjoining the right of way where the proposed work is to be done, the street address or lot number, the number of lineal feet of curbing to be constructed, reconstructed or repaired, the type of curbing, that is, monolithic, walltype or curb and gutter, and such other information as may be required. The permit shall be kept on the site of the construction, reconstruction or repair until the completion of the work.
- (2) The fee to be collected for the issuance of the curb construction, reconstruction or repair permit required by this subsection shall be five dollars (\$5.00). Such fee shall be payable at the office of the Engineer.
- (D) Authority for Deposit of Materials. The issuance of a permit shall authorize the reasonable use of sidewalk or street space for the deposit of materials and equipment required for sidewalk construction, reconstruction or repair, subject to any rules or regulations of the Engineer governing such temporary deposits.
(Ord. 70-88. Passed 6-6-88.)

1022.03 SPECIFICATIONS AND INSPECTIONS.

- (A) Specifications; Authority of Engineer. All sidewalks and curbs shall be constructed, reconstructed or repaired under the supervision of the Engineer. Construction shall be in accordance with the standard specifications of the City or as directed by the Engineer.

The City shall not be responsible for the grade of any sidewalk, curb or drive approach set by the Engineer or his representatives when the profile of the street has not been established by City ordinance.

- (B) Inspections. The Engineer shall have on file in his office the specifications regulating the manner in which sidewalk or curb construction, reconstruction or repair is to be done. Upon notice of the completion of any sidewalk and curb construction, reconstruction or repair, the Engineer shall make an inspection of the work. If, in his judgment, the work is unsatisfactory, he

shall, by mail or otherwise, serve notice of such fact on the contractor and the property owner and order the contractor and the property owner to relay or repair the work according to specifications.

1022.04 BLACKTOP.

No person shall construct, reconstruct, repair or seal a blacktop or asphalt sidewalk in the City.

1022.05 SIDEWALK SUBSPACES.

No person shall use sandstone slabs or prismatic lights as a sidewalk pavement over any subspace. (Ord. 253-64. Passed 12-22-64.)

1022.06 OWNERS OF ABUTTING PROPERTY TO KEEP SIDEWALKS AND CURBS IN REPAIR.

- (A) When land abuts a street where there is a paved sidewalk, the owner of such land shall be jointly and severally responsible for causing the paved sidewalk and sidewalk area, including the driveways and the grass strip, abutting such land to be kept in repair and free from nuisance. (Ord. 253-64. Passed 12-22-64.)
- (B) Where land abuts on an improved street where there is a concrete curb, the owner or owners of such land shall be jointly and severally responsible for causing the curb to be in repair and free from nuisance.

1022.07 NOTICES TO REPAIR.

- (A) Service of Notice. Whenever the Engineer finds that any sidewalk or curb should be constructed or that any paved sidewalk or sidewalk area, including the driveways and the grass strip, or curb, is not in repair or not free from nuisance, he shall notify the owner of the abutting property, in writing, to have the necessary construction, reconstruction or repair made. Such notice shall be served on the owner or his agent in the manner provided by law for the service of summons in civil actions. For the purpose of such service, any person charged with the collection of rents or the payment of taxes on the property or having general control of it in any way, shall be considered the agent of the owner.

When there is no resident owner in Allen County or no agent available for service of notice, or when the place of residence of the owner cannot be found, the notice shall be published at least once in a newspaper of general circulation in the City.

- (B) Contents of Notice. The notice provided for in subsection (a) hereof shall identify the property and shall give the location of the sidewalk or curb and the period of time allowed the property owner to have the work done by private contract. Such time shall be reasonable, but shall not be less than fifteen days for construction or reconstruction and not less than five days for repair.

1022.08 BOARD OF APPEALS.

- (A) Establishment. A board consisting of the Director of Public Works, the City Auditor and the Director of Law, or representatives appointed by them, shall serve as a Board of Appeals to hear and determine any protests filed by

property owners or their agents regarding sidewalk construction, reconstruction or repair. (Adopting Ordinance)

(B) Authority.

(1) Protests filed prior to work. If protests are filed prior to doing the work called for by the notice from the Engineer, the Board of Appeals shall have authority to modify, alter or revoke any such notice as to the amount or type of work required or the time in which it must be completed, consistent with City ordinances and the specifications regarding sidewalk, curb and gutter construction, reconstruction or repair. The Board shall also have the authority to waive strict compliance with such requirements when such compliance would cause undue hardship, provided such waiver will not cause or continue a public nuisance or an unsafe condition.

(2) Protests filed after work completed. If protests are filed after the work provided for in the notice to the property owner has been done, the authority of the Board of Appeals shall be limited to determining that the amount of the bill is correct and is charged against the correct property and that the work was done in accordance with the notice to the property owner. If the Board finds that an amount has been incorrectly charged against the property, but work has been done for which the City contractor is entitled to payment, it may order such payment made from the funds provided for the payment of the City's portion of sidewalk work. (Ord. 253-64. Passed 12-22-64.)

(C) Filing of Protests. Any protest regarding sidewalk and curb construction, reconstruction or repair, or the assessment therefor, shall be filed in writing with the Engineer prior to the passage of the resolution of necessity provided for in Section 1022.09. The Engineer shall notify the person filing such protest of the date and place of the hearing before the Board of Appeals.

1022.09 WORK DONE BY CITY; ASSESSMENT AGAINST PROPERTY.

If a sidewalk or curb has not been constructed, or if a defective sidewalk or curb has not been reconstructed, repaired or freed from nuisance, within the period of time permitted by the notice to the owner of the abutting property, the Engineer shall prepare a list of such sidewalks and curbs and present it to Council, which shall proceed, as provided in Ohio R.C. 729.01 to 729.11, inclusive, to cause the necessary construction to be made and to assess the entire cost against the abutting property.

1022.095 REIMBURSEMENT OF EXPENSES FOR REPAIRS BY PROPERTY OWNERS; CURB REBATE PROGRAM.

The reimbursement schedule for repairs by property owners shall be as follows:

- (A) The City's participation in curb and sidewalk repairs at intersections and alleys will be based on the actual invoice for such repairs as submitted to the owner, but will not exceed the following rates:

Composite curb	\$ 9.00/ linear ft.
Wall curb	12.00/ linear ft.
Curb and gutter	12.00/ linear ft.
4" concrete sidewalk	3.00/ square ft.
6" concrete sidewalk	3.50/ square ft.
Detectable warnings on wheel chair ramps	15.00/ square ft.

- (B) The City shall reimburse property owners for mid-block curb replacement at the rate of five dollars (\$5.00) per linear foot.
(Ord. 236-10. Passed 11-8-10.)

1022.10 EMERGENCIES.

In case of emergency, the Engineer is hereby authorized to have temporary repairs made, to barricade and provide red or amber warning lights for the area or to otherwise provide for the public safety. The cost of such emergency repairs and protection shall be charged against the abutting property and shall be collected as provided in Section 1022.09.

1022.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than the amount set forth in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 167-05. Passed 8-22-05.)

CHAPTER 1024
Driveways and Curb Cuts

1024.01	Permit Required.	1024.06	Modification of
1024.02	Construction; Plans.		Regulations; Appeals.
1024.03	Widths.	1024.07	Permits Generally; Fees.
1024.04	Layout.	1024.99	Penalty.
1024.05	Grade.		

CROSS REFERENCES

Changing established grade - see Ohio R.C. 727.32

Notice to repair curbing and gutters - see Ohio R.C. 729.02

Construction and repair at owner's expense - see Ohio R.C. 729.05

Sidewalks and curbs - see S.U. & P.S. Ch. 1022

Construction plans for off-street parking facilities - see S.U. & P.S. 1026.02

Site plan for restricted parking lot to include location of entrances and exits - see P. & Z. 1264.01(b)(1)

1024.01 PERMIT REQUIRED.

No person shall construct a permanent driveway or entranceway across a public sidewalk or curb without first obtaining a permit therefor from the City Engineer, who shall have entire supervision of the construction and repair of such driveways or entranceways. (1956 Code Sec. 307.01)

1024.02 CONSTRUCTION; PLANS.

The construction of a driveway or entranceway from the paved roadway to the private property shall not be less than a six-inch concrete slab of one to six and one-half mix, or six inches of asphaltic concrete on two inches of aggregate base. Where sidewalks exist, or are proposed, the sidewalk grade will control; that is, the sidewalk will be constructed through the drive according to the standard specifications of the City or as directed by the City Engineer. Detailed plans of construction, in duplicate, may be required, showing lot lines, street and curb lines, street inlets or public utility features which may be affected by, or which are immediately adjacent to, the proposed driveway, and such other information as may be necessary, all of which shall be subject to the approval of the City Engineer.

1024.03 WIDTHS.

- (A) Single Entranceways. A single entranceway shall have a width of not more than twenty-five feet and not less than ten feet, measured at the curb line, with not less than a two-foot radius on each side. (1956 Code Sec. 307.03)

- (B) Multiple Entranceways. Multiple entranceways shall be permitted where necessary, with the approval of the City Engineer. Such entranceways shall have a combined width of not more than fifty feet, measured at the curb line, and shall be separated by a five-foot safety island not less than five feet in width, measured on a line three feet back of and parallel to the curb line. Where more width is required, additional multiple entranceways may be permitted upon the approval of the City Engineer. However, safety islands shall be constructed between such multiple entranceways as provided herein.

1024.04 LAYOUT.

- (A) The layout of all driveways must be approved by the City Engineer.
- (B) Driveways near street intersections shall be constructed so that the end of the curb cut nearest the intersection is not less than twenty feet from the end of the curb radius of the intersecting streets. Driveways at intersections where there are traffic actuated traffic signals shall be located so that they will not interfere with the operation of such traffic signals.
- (C) Where driveways are serving interior lots, the curb cut shall not extend beyond a point which is at right angles to the street line at the corner of the lot.
- (D) Driveway layouts for filling stations or industrial or business buildings shall be approved by the City Engineer before issuance of any building permit therefor.
- (E) When the owner of any existing or proposed building or structure contemplates construction of a driveway at the same time he plans to construct or make alterations to a building or structure, such owner shall have the driveway layout approved by the City Engineer before receiving the building permit.

1024.05 GRADE.

Grades of driveway approaches or aprons shall be as established by the City Engineer in accordance with standard drawings on file with such Engineer.

1024.06 MODIFICATION OF REGULATIONS; APPEALS.

If at any time the driveway provisions in this chapter are found to be impracticable in certain cases, the City Engineer is hereby authorized to use his discretion in modifying the strict application of such provisions in order to obtain results that are reasonable, safe and convenient for both the public and the owner.

In cases where the owner is dissatisfied with the modifications made by the City Engineer, he may appeal to the Mayor, whose decision shall be final.
(1956 Code Sec. 307.06)

1024.07 PERMITS GENERALLY; FEES.

- (A) Permit Required. Except as otherwise provided in this chapter, no person shall cut any curb on any public street or alley of the City or make or construct any driveway or entranceway from any public street or alley in the City across or over any sidewalk or curb upon such street or alley and to any private property bounding or abutting on such street or alley without first obtaining a permit therefor from the City Engineer.
- (B) Fees. The fee for such permit, when the driveway or entranceway does not exceed twelve feet in width, shall be ten dollars (\$10.00). When the driveway or entrance-way exceeds twelve feet in width, measured at the curb line, an additional fee of one dollar and fifty cents (\$1.50) for each additional foot shall be charged and collected by the City Engineer.

All fees collected by the City Engineer shall be deposited with the City Treasurer to the credit of the General Fund.

- (C) Term and Assignability. Any permit herein provided for shall expire thirty days from the date of the issuance thereof, and any money paid therefor shall not be refunded unless such permit is not used and is returned within such thirty-day period.

Permits herein provided for shall be issued only to an owner of abutting premises, his duly authorized representative or a tenant whose lease does not terminate until at least three years from the date of the application for the permit.

- (D) Appeals. The City Engineer may refuse to grant any permit herein provided for in the interest of public safety. If the City Engineer refuses to grant any permit, the applicant for such permit may appeal to the Mayor, whose decision shall be final.

(Ord. 102-71. Passed 5-3-71.)

1024.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than the amount set forth in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 167-05. Passed 8-22-05.)

CHAPTER 1026
Off-Street Parking Facilities

1026.01	Permit Required.	1026.99	Penalty.
1026.02	Construction; Plans.		

CROSS REFERENCES

Municipal parking lots - see TRAF. Ch. 456
 Driveways and curb cuts - see S.U. & P.S. Ch. 1024
 Off-street parking in Class III Residential Districts - see
 P. & Z. 1248.03(e)(3)D.
 Off-street parking in Office Districts - see P. & Z. 1250.01(d)
 Restricted parking areas - see P. & Z. 1264.01

1026.01 PERMIT REQUIRED.

No person shall construct, reconstruct, pave or repave any off-street parking facility accommodating three or more vehicles without first submitting plans for the drainage and the type of surface improvement for such parking facilities to the City Engineer and Building Commissioner and obtaining a permit at a cost of five dollars (\$5.00) from the Building Commissioner, after the Commissioner's inspection and approval of such plans. (Ord. 61-79. Passed 4-9-79.)

1026.02 CONSTRUCTION; PLANS.

The construction, reconstruction, paving or repaving of a parking facility shall be done in accordance with the specifications governing driveways and parking lots on file in the office of the City Engineer. Detailed plans of construction in triplicate may be required showing lot lines, street and curb lines, driveways, sidewalks, street inlets or public utility features which may be affected by the proposed parking lot. Integral drainage facilities which will be required to insure the protection of the public and adjacent property owners shall also be shown.

1026.99 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than the amount set forth in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation occurs or continues. (Ord. 167-05. Passed 8-22-05.)

CHAPTER 1028
Trees, Shrubs and Plants

1028.01	Plantings; Approval and Permit.	1028.05	Planting, Trimming and Care.
1028.02	Injuries.	1028.06	Tree Planting Plan; Map.
1028.03	Tree Planters on Sidewalks; Permits.	1028.99	Penalty.
1028.04	Planting Trees in Sidewalks; Permits.		

CROSS REFERENCES

Shade Tree Commission- see ADM. Ch. 250
 Injuring vines, bushes, trees or crops - see GEN. OFF. 642.06
 Trees, weeds and shrubs - see GEN. OFF. Ch. 668
 Parks - see S.U. & P.S. Ch. 1060
 Trees in subdivisions - see P. & Z. 1220.07

1028.01 PLANTINGS; APPROVAL AND PERMIT.

No shade or ornamental tree, plant or shrub shall be planted in any street, public highway, boulevard, park or other public ground until the City Engineer or his authorized agent first approves the kind, size, spacing and variety thereof, designates the location therefor and grants a permit, at no charge, for the planting thereof.

1028.02 INJURIES.

No person shall attach or place any rope, wire, sign, poster, handbill or other thing on any tree, shrub or plant now or hereafter growing in any street or other public way of the City or on any guard or protection thereof, except as required in the planting and caring for such tree, shrub or plant. No person shall deposit or throw upon any street or public way or into any curb strip or gutter thereof any substance detrimental to the growth of any tree, shrub or plant or deposit in such curb strip or gutter any receptacle containing such substance. (Ord. 187-65. Passed 9-21-65.)

1028.03 TREE PLANTERS ON SIDEWALKS; PERMITS.

The City Engineer may issue, at no charge, permits for the erection and maintenance by abutting owners or tenants, upon sidewalks within the City, of tree, flower or shrub planter boxes of a size and design approved by the City Engineer.

Such planters shall bear no advertising of any kind, shall be placed only at the locations specified on the permits and shall at all times be maintained in good condition. The plantings therein shall conform to standards fixed by the City Engineer and shall be properly trimmed and cared for by the permit holder. Permits shall be revocable at any time. Upon revocation thereof, it shall be the duty of the permit holder to remove the

planter.

The permit holder shall indemnify the City for any loss, claim, injury or judgment arising out of the erection or maintenance of such planters.

1028.04 PLANTING TREES IN SIDEWALKS; PERMITS.

In situations where it is necessary to cut the surface of a sidewalk or street in order to plant trees, abutting property owners or tenants may be issued permits by the City Engineer for the planting of such trees.

Authority is hereby granted to the City Engineer to cut the public streets and sidewalks for the purpose of planting trees and shrubs.

The cost of planting trees where a sidewalk or street cut is necessary shall be borne in one of the two following ways, to be determined by the City Engineer:

- (A) In cases where the City furnishes the tree and is responsible for the planting thereof, the owner or tenant of the abutting property shall pay an amount to be determined by the Shade Tree Commission to defray the cost of cutting the sidewalk or street and preparing the planting site. Such payment shall be deposited in the appropriate City fund.
- (B) In cases where the property owner or tenant purchases the tree to be planted and pays for the planting thereof, the City shall cut the sidewalk or street and prepare the planting site without additional charge to the owner or tenant of the abutting property.

1028.05 PLANTING, TRIMMING AND CARE.

The following regulations are hereby established for tree planting, trimming and care in or upon the public ways and public places in the City:

- (A) No tree shall be planted at the intersection of two or more streets or within twenty feet of an intersection.
- (B) In cutting down trees, all parts thereof shall be removed from the area and disposed of. When required by the City Forester or his authorized agent, all visible stump and root systems shall be grubbed out to a depth below ground elevation as established by the City Forester.
- (C) All cuts above one inch in diameter shall be waterproofed.
- (D) No tree shall be planted in any street right of way, except of the variety selected by the City Forester or his authorized agent.
(Ord. 187-65. Passed 9-21-65.)

1028.06 TREE PLANTING PLAN; MAP.

- (A) The City Forester or his authorized agent shall, from time to time, prepare plans which designate, by means of a complete map of the City streets, a uniform method of street tree planting, zoning certain streets or sections of streets for certain types of trees and shrubs and showing the distance apart of such trees and shrubs and the place where each tree or shrub is to be planted. The plans shall be submitted by the City Forester to Council for modification or adoption after submission to and approval by the Shade Tree Commission and the Planning Commission.

- (B) If and when the uniform plan in its original or modified form is adopted by Council, it shall become the Tree Planting Plan for the streets of the City and shall be strictly adhered to in all future street planting improvement projects and in the removal and replacement of trees, shrubs and plants on streets in the City. The Tree Planting Plan may be adopted by Council at one time or may be adopted for different portions of the City within a reasonable length of time after the completed plan for any particular portion of the City has been submitted to Council.
- (C) The City Forester shall have copies of the Tree Planting Plan made and kept on file in his office where they may be obtained by the public.
(Ord. 187-65. Passed 9-21-65.)

1028.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than the amount set forth in Section 698.02. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. (Ord. 167-05. Passed 8-22-05.)

CHAPTER 1030
Street and Railway Crossings

1030.01	Construction of Crossings.	1030.04	Notice to Railroad
1030.02	Manner of Constructing Approaches.		Companies to Repair Crossings, Approaches or Sidewalks.
1030.03	Manner of Constructing Sidewalks at Crossings.	1030.05	Procedure If Railroad Company Fails to Comply with Notice.

CROSS REFERENCES

Failure to construct or repair crossings or sidewalks - see Ohio R.C. 4955.22
 Preparation of plans and specifications for railroad crossings - see Ohio R.C. 4957.12
 Vehicles at grade crossings - see TRAF. 432.31 et seq.
 Slow-moving vehicles repairing street adjacent to railway crossings see TRAF. 432.33(b)
 Railroads - see GEN. OFF. Ch. 654
 Sidewalks and curbs - see S.U. & P.S. Ch. 1022

1030.01 CONSTRUCTION OF CROSSINGS.

All crossings of public streets and the tracks of railways within the corporate limits shall be constructed and maintained in the following manner, unless special permission is received from the Director of Public Works. There shall be placed adjacent to each rail, oak timbers, commonly referred to as guard logs, of a depth equal to the combined height of the rail and tie plate. Two such guard logs shall be required outside each rail, constructed so that only the necessary opening to maintain the rail remains. One guard log shall be required inside each rail and constructed so that only necessary flangeway opening is between the guard log and the gauge line of the rail. The guard logs shall be eight inches wide minimum and shall be securely spiked to the cross-ties by screw spikes. The guard log shall be pre-bored and counter-sunk so that the top of the spike is flush with the top of the guard log or below it. The crossing shall extend the full width of the street and beyond for a minimum distance of eight feet to allow for a minimum four-foot sidewalk, as defined in Section 1030.03. The area between the inner guard logs shall be constructed to within two inches of the top of the rail with Bituminous Aggregate Base, Item 301 of the State of Ohio Department of Transportation Construction and Material Specifications, the latest edition. The remaining two inches shall consist of Asphaltic Concrete, Item 404 of such Specifications. The openings between the rail and the adjacent guard log shall be filled with Item 404 or an oak timber filler. Item 405, Bituminous Cold Mix, may be used as a temporary patch when the local asphalt plants are closed. The area between the tracks of multitrack crossings shall be constructed in the same manner, and with the same material

as between the rails of single track crossings. Solid timber or rubber crossings shall be required as prescribed and directed by the Director of Public Works when vehicular or railroad traffic warrants the same. (Ord. 181-72. Passed 8-21-72.)

1030.02 MANNER OF CONSTRUCTING APPROACHES.

The approaches to the tracks shall be defined as the full width of the right of way owned by the railroad company, in accordance with the provisions of Ohio R.C. 4955.20. Approaches shall be constructed of pavement equal to the pavement of the street which is crossing at that point. (Ord. 181-72. Passed 8-21-72.)

1030.03 MANNER OF CONSTRUCTING SIDEWALKS AT CROSSINGS.

Sidewalks at all points where crossed by railroad tracks shall be constructed and maintained in the following manner: The sidewalk shall extend from the outside of the outer guard logs specified in Section 1030.01, shall not be less than four feet in width and shall be made of Class "C" concrete not less than four inches in thickness according to specifications available in the office of the City Engineer. (Ord. 181-72. Passed 8-21-72.)

1030.04 NOTICE TO RAILROAD COMPANIES TO REPAIR CROSSINGS, APPROACHES OR SIDEWALKS.

It shall be the duty of the City Engineer, whenever ordered by Council to do so, to notify any railroad company owning or controlling a railroad line passing through the limits of the City to construct or repair, as the case may be, crossings, approaches or sidewalks in accordance with the provisions of Sections 1030.01 through 1030.03. Such notice shall be in writing, shall describe the place where such crossing, approach or sidewalk is to be constructed or repaired, shall set forth the kind and extent thereof and the manner in which the same is to be constructed or repaired, as provided in the abovementioned sections, and shall require that such crossing, approach or sidewalk be constructed or repaired within thirty days from the date of service of the notice. Such notice shall be serviced upon the nearest station agent or section foreman, and a true copy thereof, with the date of service and manner of service endorsed thereon, shall forthwith be filed by the City Engineer with the Clerk of Council.

1030.05 PROCEDURE IF RAILROAD COMPANY FAILS TO COMPLY WITH NOTICE.

If a railroad company fails to construct or repair such crossing, approach or sidewalk within thirty days after service of the notice provided for in Section 1030.04, Council may cause such crossing, approach or sidewalk to be constructed or repaired and charge the cost of so doing to the railroad company. Such cost, with interest, shall be recovered by a civil action, in the name of the City, against the railroad company, as provided by the laws of the State.

(1956 Code Sec. 977.12)

CHAPTER 1032
Use of Streets and Public Ways

1032.01 Christmas decorations.

CROSS REFERENCES

Obstruction and special uses of public ways - see TRAF. Ch. 412

Advertising on public property - see GEN. OFF. 608.02

Criminal mischief - see GEN. OFF. 612.11

Littering - see GEN. OFF. 660.03

Sidewalk obstructions; damage or injury - see GEN. OFF. 660.10

1032.01 CHRISTMAS DECORATIONS.

The Director of Public Works may permit the installation of Christmas decorations above and along the public streets and ways within the City by any responsible person or organization, provided such person or organization has in effect a policy of personal injury insurance in the minimum amount of one hundred thousand dollars (\$100,000) for each person and three hundred thousand dollars (\$300,000) for each accident, and at least one hundred thousand dollars (\$100,000) property damage, all of which shall be written so as to indemnify and save harmless the City, and any member of the public, from any and all claims for personal injury or property damage, which may arise by reason of the installation, maintenance or removal of such Christmas decorations. (Ord. 191-77. Passed 11-7-77.)